

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:09-CR-332-5FL

UNITED STATES OF AMERICA)	
)	
)	MOTION TO REQUIRE
vs.)	GOVERNMENT TO REVEAL
)	ANY AGREEMENTS BETWEEN
)	IT AND PROSECUTION
)	WITNESSES AND SUPPORTING
CARLOS RODRIGUEZ)	MEMORANDUM
Defendant)	

Defendant, by and through counsel, moves the Court to issue an order requiring the Government to reveal any agreement entered into between it or any other law enforcement agency and any prosecution witnesses. In support of this Motion and as grounds therefore, the defendant shows to the Court as follows:

The government is required to disclose evidence that is both favorable to an accused and material to either guilt or punishment. Brady v. Maryland, 373 U.S. 83 (1963). This has been interpreted to include disclosure of evidence that could potentially be used to impeach or discredit a government witness. Giglio v. United States, 405 U.S. 150 (1972). The government must therefore disclose all plea agreements and promises of leniency, immunity, or other similar inducements to testify that have been given to witnesses. United States v. Stoop, 121 F.R.D. 269 (E.D.N.C. 1988). This disclosure should be made in time for its effective use at trial. U.S. v. Smith Grading & Paving, Inc., 760 F.2d 527 (4th Cir, 1985).

WHEREFORE, defendant prays unto the Court that an order enter requiring the government to reveal to this counsel any agreement between it, any other prosecutorial agencies, and any prosecution witness at least 15 days prior to trial.

This the 17th day of March, 2010.

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CERTIFICATE OF SERVICE

I hereby certify that on March 17, 2010, I served a copy of the foregoing electronically upon:

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